

**SUPREME COURT MINUTES
WEDNESDY, FEBRUARY 23, 2005
SAN FRANCISCO, CALIFORNIA**

S023835

PEOPLE v. MORRISON (JESSE)
Rehearing denied

S111029

A095299 First Appellate District,
Division Three

DANNENBERG (JOHN E.) ON H.C.
Rehearing denied

Petition for rehearing denied.
Kennard, Werdegarr, and Moreno, JJ., are of the
opinion the petition should be granted.

S113799

D037761 Fourth Appellate District,
Division One

ELSNER v. UVEGES
Rehearing denied

S114375

A096083 First Appellate District,
Division Five

PEOPLE v. BRAXTON
Rehearing denied

S129794

F044123 Fifth Appellate District

STEPHENS v. COUNTY OF TULARE
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S130489

B176608 Second Appellate District,
Division Four

PEOPLE v. S.C. (DECKER)
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S130065

C045613 Third Appellate District

PEOPLE v. EMERSON
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending
consideration and disposition of a related issue
in *People v. Black*, S126182, and *People v.*
Towne, 125677 (see Cal. Rules of Court, rule
28.2(d)(2)), or pending further order of the

court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S130086

H026899 Sixth Appellate District

PEOPLE v. ACKERMAN

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S130191

H025445 Sixth Appellate District

PEOPLE v. RISTAU

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Salas*, S126773 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S130532

D042720 Fourth Appellate District,
Division One

PEOPLE v. JORDAN

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of

Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S130611

B172963 Second Appellate District,
Division Six

PEOPLE v. PRIETO

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S129261

B177083 Second Appellate District,
Division Eight

LEWIS (STEPHEN) ON H.C.

Petition for review denied

S129616

B178591 Second Appellate District,
Division Five

CASTILLO (RAUL) ON H.C.

Petition for review denied

S129711

B179012 Second Appellate District,
Division Two

WARTH (BRIAN) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

S129762

F038558 Fifth Appellate District

THOMPSON (JIMMIE) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate. Moreno, J., is of the opinion the petition should be granted.

S129767

G034509 Fourth Appellate District,
Division Three

DANG (PHONG THANH) ON H.C.
Petition for review denied

S129892

B169057 Second Appellate District,
Division One

FEATHERSON v. FARWELL
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed November 1, 2004, which appears at 123 Cal.App.4th 1022. (Cal.Const., art. VI, section 14; rule 976(c)(2), Cal. Rules of Court.)

Kennard, and Werdegar, JJ., are of the opinion the petition should be granted.

S130042

B178930 Second Appellate District,
Division Three

LOPEZ (RAUL) ON H.C.
Petition for review denied

S130074

G034794 Fourth Appellate District,
Division Three

TRAN (SINH) ON H.C.
Petition for review denied

S130079

A101572 First Appellate District,
Division Two

STROUGHTER v. STATE FARM FIRE &
CASUALTY CO.
Petition for review denied

S130082

H026467 Sixth Appellate District

PEOPLE v. LAZAREVICH
Petition for review denied

Brown, J., is of the opinion the petition should be granted.

S130092

C043687 Third Appellate District
C043825

EBBETTS PASS FOREST WATCH v. DEPT. OF
FORESTRY & FIRE (SIERRA PACIFIC)
Petition for review denied

S130122

C048376 Third Appellate District

HAROLD v. S.C. (CALIFORNIA CASUALTY INS.)
Petition for review denied

S130145
C043864 Third Appellate District

DIEHL-SMITH v. KALSBECK
Petitions for review denied

S130151
E033382 Fourth Appellate District,
E034766 Division Two

PEOPLE v. ROMO
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130173
B169757 Second Appellate District,
Division Four

PEOPLE v. CARPENTER
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130194
H028203 Sixth Appellate District

LEBBOS v. S.C. (PEOPLE)
Petition for review and application for stay denied

S130280
B179646 Second Appellate District,
Division Five

FORTIN v. S.C. (PEOPLE)
Petition for review denied

Petitioner's request for judicial notice is granted.

S130282
C039978 Third Appellate District

PEOPLE v. RICH
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130287

A099749 First Appellate District,
Division Two

PEOPLE v. HAMILTON
Petition for review denied

S130288

B176481 Second Appellate District,
Division Five

PEOPLE v. FORTIN
Petition for review denied

S130321

E034342 Fourth Appellate District,
Division Two

PEOPLE v. MOORE
Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

S130346

H026645 Sixth Appellate District

PEOPLE v. WOOLRIDGE
Petition for review denied

S130361

C045256 Third Appellate District

PEOPLE v. MCINTOSH
Petition for review denied

S130369

A105160 First Appellate District,
Division Four

SAVE OUR SUNOL v. MISSION VALLEY ROCK
Petition for review denied

S130371

B169940 Second Appellate District,
Division Four

BATES v. FRANCHISE TAX BOARD
Petition for review denied

S130373

D037968 Fourth Appellate District,
Division One

PEOPLE v. MAJORS
Petition for review denied

S130452

D042362 Fourth Appellate District,
Division One

BAINBRIDGE, INC. v. CALFARM INSURANCE
Petition for review denied

S130456

F044633 Fifth Appellate District

P. (ORLANDIS), IN RE
Petition for review denied**S130461**B168322 Second Appellate District,
Division SixPEOPLE v. UTLEY
Petition for review denied**S130469**D043787 Fourth Appellate District,
Division OneCROSSPOINT VENTURE PARTNERS 1997 v.
MAXIM PHARMACEUTICALS (McNEIL)
Petition for review & publication request denied**S130503**B171543 Second Appellate District,
Division OneTRUCK INSURANCE v. FREMONT INDEMNITY
Petition for review deniedKennard, J., is of the opinion the petition should
be granted.**S130513**B166720 Second Appellate District,
Division FourPEOPLE v. NUNEZ
Petitions for review denied**S130541**B169944 Second Appellate District,
Division TwoBUSSARD, ESTATE OF
Petition for review denied**S130547**B174703 Second Appellate District,
Division SixPEOPLE v. DURAN
Petition for review & depublication request denied**S130577**B167217 Second Appellate District,
Division TwoCONTINENTAL CASUALTY v. TRAVELERS
Petition for review denied**S130586**

H025640 Sixth Appellate District

PEOPLE v. ANDERSON
Petition for review denieddenied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and

People v. Towne, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130615

A104335 First Appellate District,
Division Three

PEOPLE v. FAIR

Petition for review denied

S130616

E034431 Fourth Appellate District,
Division Two

K. (J.) v. OFFICE OF ADMINISTRATIVE HEARINGS
INLAND COUNTIES REGIONAL CENTER

Petition for review denied

S130637

B170740 Second Appellate District,
Division Five

PEOPLE v. SMITH

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130724

C043845 Third Appellate District

PEOPLE v. PEREZ

Petition for review denied

S130727

G033581 Fourth Appellate District,
Division Three

PEOPLE v. BERKHEISER

Petition for review denied

S130728

B171176 Second Appellate District,
Division Three

PEOPLE v. MITCHELL

Petition for review denied

S130729

H026314 Sixth Appellate District

PEOPLE v. PERRY

Petition for review denied

S130730

B169381 Second Appellate District,
Division Eight

PEOPLE v. GILLIAM

Petition for review denied

S130732

G033121 Fourth Appellate District,
Division Three

PEOPLE v. NGUYEN

Petition for review denied

S130733

F043690 Fifth Appellate District

PEOPLE v. COCHRAN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

S130739

G032816 Fourth Appellate District,
Division Three

PEOPLE v. MARTINEZ-SANTOS

Petitions for review denied

S130747

C046492 Third Appellate District

C. (MICHAEL), IN RE

Petition for review denied

S130748

F045052 Fifth Appellate District

S. (TYRONE), IN RE

Petition for review denied

S130754

PEOPLE v. QUIROZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130755

F043287 Fifth Appellate District
F043444

PEOPLE v. CHAO

Petition for review denied

S130756

B168788 Second Appellate District,
Division Four

PEOPLE v. WALKER

Petition for review denied

S130758

A105698 First Appellate District,
Division Five

PEOPLE v. RAVEN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130761

B173600 Second Appellate District,
Division Four

USA TALKS.COM INC. v. MOSKOWITZ

Petition for review denied

S130763

H028254 Sixth Appellate District

BAUTISTA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S130766

B170078 Second Appellate District,
Division Six

PEOPLE v. CASTRO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130770

H026631 Sixth Appellate District

PEOPLE v. CATANO

Petition for review denied

S130771

F044553 Fifth Appellate District

PEOPLE v. ORTEGA

Petition for review denied

S130774

B175503 Second Appellate District,
Division Four

PEOPLE v. BROWN

Petition for review denied

S130775

B169314 Second Appellate District,
Division Two

PEOPLE v. TOLAND

Petition for review denied

S130778

H026313 Sixth Appellate District

PEOPLE v. VENTURA

Petition for review denied

S130779

B172132 Second Appellate District,
Division Seven

PEOPLE v. BAILEY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S130781

A104646 First Appellate District,
Division Two

PERROTT v. WELLS FARGO BANK

Petition for review denied

Baxter, J., was recused and did not participate.

S130783

D042827 Fourth Appellate District,
Division One

PEOPLE v. SICAIROS

Petition for review denied

S130784

C042423 Third Appellate District

PEOPLE v. MUHAMMAD

Petition for review denied

S130788

B171443 Second Appellate District,
Division Six

S. (ANDREW R.), IN RE

Petition for review denied

S130789

E034723 Fourth Appellate District,
Division Three

PEOPLE v. JACKSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S130791
C044644 Third Appellate District

PEOPLE v. RUBIO
Petition for review denied

S130792
C045458 Third Appellate District

PEOPLE v. MOORE
Petition for review denied

S130793
F043135 Fifth Appellate District

PEOPLE v. RUTLEDGE
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130801
C045607 Third Appellate District

PEOPLE v. THOMAS
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130802
A106216 First Appellate District,
Division Four

NEUFELD v. STATE BOARD OF EQUALIZATION
Petition for review denied

S130804
A102378 First Appellate District,
Division Four

BLACK v. NOPUENTE
Petition for review denied

S130805
F039047 Fifth Appellate District

PEOPLE v. WHITE
Petition for review denied

S130807
A102884 First Appellate District,
Division One

PEOPLE v. MORALES
Petition for review denied

S130823

B167691 Second Appellate District,
Division Eight

PEOPLE v. KANG

Petition for review denied

S130838

A103064 First Appellate District,
Division Five

PEOPLE v. AYALA

Petition for review denied

S130841

B171714 Second Appellate District,
Division Two

PEOPLE v. HUDSON

Petition for review denied

S130842

B180083 Second Appellate District,
Division One

GASTON v. S.C. (PEOPLE)

Petition for review denied

S130843

B167345 Second Appellate District,
Division Eight

PEOPLE v. ORTEGA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130844

E034614 Fourth Appellate District,
Division Two

PEOPLE v. ABBOTT

Petition for review denied

S130846

E034914 Fourth Appellate District,
Division Two

PEOPLE v. NEWBERRY

Petition for review denied

S130848

E034610 Fourth Appellate District,
Division Two

PEOPLE v. BRUDVIK

Petition for review denied

S130849

F045342 Fifth Appellate District

V. (T.), IN RE

Petition for review denied

S130853

B171345 Second Appellate District,
Division Three

PEOPLE v. FRANCO

Petition for review denied

S130856

C046736 Third Appellate District

T. (CHRISTINA), IN RE

Petition for review denied

S130858

E035707 Fourth Appellate District,
Division Two

PEOPLE v. GRAYSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S130859

D043173 Fourth Appellate District,
Division One

TOBACCO CASES I, JCCP 4041

Petition for review & depublication request denied

S130879

G034897 Fourth Appellate District,
Division Three

SHELBY v. APPELLATE DIVISION (WILSON)

Petition for review denied

S130884

B175750 Second Appellate District,
Division Six

PEOPLE v. WHITMORE

Petition for review denied

S130888

B170887 Second Appellate District,
Division Eight

PEOPLE v. ESPINOZA

Petition for review denied

S130890

D042505 Fourth Appellate District,
Division One

PEOPLE v. SOLTERO

Petition for review denied

S130894

B178590 Second Appellate District,
Division Four

BEHENA v. S.C. (PEOPLE)

Petition for review denied

S130908A105895 First Appellate District,
Division Five

PEOPLE v. OROZCO

Petition for review denied

S131411B181013 Second Appellate District,
Division Two

GOVIN v. S.C. (PEOPLE)

Petition for review and application for stay denied

S121521

CROWTHER (JAMES) ON H.C.

Petition for writ of habeas corpus denied

S121596

HALSTEAD (SHAWN A.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S122030**

HUBBARD (SIDNEY) ON H.C.

Petition for writ of habeas corpus denied

denied on the merits.

S122039

NIEBLAS (ROMERO) ON H.C.

Petition for writ of habeas corpus denied

S122158

WRIGHT (MICHAEL) ON H.C.

Petition for writ of habeas corpus denied

S122196

BURNIGHT (JON) ON H.C.

Petition for writ of habeas corpus denied

S122255

HALL (JAMES SEAN) ON H.C.

Petition for writ of habeas corpus denied

S122313

WALKER (RICKY) ON H.C.

Petition for writ of habeas corpus denied

S122314

STYRE (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S122405

COLLIER (DOUGLAS) ON H.C.
Petition for writ of habeas corpus denied

S122409

CASTLE (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S122435

THOMAS (ERIC LYNN) ON H.C.
Petition for writ of habeas corpus denied

S122540

MORGAN (DON CARLOS) ON H.C.
Petition for writ of habeas corpus denied

S122691

BUTLER (TERRY L.) ON H.C.
Petition for writ of habeas corpus denied

S123592

BRADFORD (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

S123694

GONZALEZ (EFRAIN G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S123696

JOHNSON (MATTHEW L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S123697

MEADOR (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*

Robbins (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S123699

GRIFFIN (EDDIE J.) ON H.C.
Petition for writ of habeas corpus denied

S123700

VALDEZ (JUAN) ON H.C.
Petition for writ of habeas corpus denied

S123703

USHER (NATHANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S123704

RALBOVSKY (TIMOTHY P.) ON H.C.
Petition for writ of habeas corpus denied

S123719

JOHNSON (ROY MILTON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S123739

COLE (KARI M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Yurko* (1974) 10 Cal.3d 857, 866-867; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S123764

BURCH (CHRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

denied on the merits and as late and successive.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S123824

LINO (ERIK) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dixon (1953) 41 Cal.2d 756; *In re Swain*
(1949) 34 Cal.2d 300, 304.)

S123864

WOLFE (MARION) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Lessard* (1965) 62 Cal.2d 497, 503;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Miller (1941) 17 Cal.2d 734; *In re Robbins*
(1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5
Cal.4th 750.)

S123878

MURPHY (STEPHEN) ON H.C.

Petition for writ of habeas corpus denied

S123880

ROCKWELL (STEVE) ON H.C.

Petition for writ of habeas corpus denied

S123886

ESCALERA (RUDY) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Swain*
(1949) 34 Cal.2d 300, 304; *People v. Duvall*
(1995) 9 Cal.4th 464, 474.)

S123896

TURNER (LARRY) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780.)

S123898

MILLER (DAVID) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In*
re Swain (1949) 34 Cal.2d 300, 304.)

S123900

CHATMAN (WALDEN) ON H.C.
Petition for writ of habeas corpus denied

S123937

DEAY (STEVE A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Gipson* (2004) 117 Cal.App.4th 1065, 1068-1070.)

S123947

RIDER (MATTHEW) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S123950

HOLLOWAY (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S123985

GARNER (ARTHUR) ON H.C.
Petition for writ of habeas corpus denied

S123999

WINSTON (KEVIN J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S124036

WOLFE (MARION C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S125373

GARNER (ARTHUR) ON H.C.
Petition for writ of habeas corpus denied

S125595

HWANG (YOONIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S126265

RIDER (MATTHEW C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S128120

NORWOOD (ERICK) ON H.C.
Petition for writ of habeas corpus denied

S128137

TORRES (RENE M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S128271

CASTLE (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S128276

TODOROV (VASIL) ON H.C.
Petition for writ of habeas corpus denied

S128279

TIMMS (AARON) ON H.C.
Petition for writ of habeas corpus denied

S128688

ANDREWS (ANTOLIN) ON H.C.
Petition for writ of habeas corpus denied

S130433

MAXWELL (MICHAEL GARY) ON H.C.
Petition for writ of habeas corpus & stay denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S130448

PEREZ (JAVIER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S130526

TODOROV (VASIL) ON H.C.
Petition for writ of habeas corpus denied

S130529

PRICE (WILLIAM HENRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S130561

WHITESIDE (DERRICK) ON H.C.
Petition for writ of habeas corpus denied

S130813

GUERRERO (JESUS M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Azurin* (2001) 87 Cal.App.4th 20.)

S130971

WRIGHT (GARY C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S131003

MIMMS (DEMOND) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *People v.*

Duvall (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S131031

COLLINS (CLARENCE C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131032

COLLINS (CLARENCE C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131033

COLLINS (CLARENCE C) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S131045

COLLINS (JASPER) ON H.C.
Petition for writ of habeas corpus denied

denied without prejudice to any relief to which petitioner might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, on California law.

S131076

GEORGE (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S131085

SMITH (DE' ANTE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S131092RAPOZA (EDDIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S131104DUTRA (GEORGE) ON H.C.
Petition for writ of habeas corpus denied**S131131**O'NEAL (TERRELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S131165PILGRIM (KELVIN) ON H.C.
Petition for writ of habeas corpus denied**S131394**RAINER (ELWYN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S129426

F042341 Fifth Appellate District

JERICICH v. SUNSET MORTGAGE
Publication request denied (case closed)

Baxter, J., was recused and did not participate.

S129468A102819 First Appellate District,
Division FiveCITY OF BRENTWOOD v. CENTRAL VALLEY
REGIONAL WATER QUALITY CONTROL BD.
Publication request denied (case closed)**S130423**B172563 Second Appellate District,
Division SixSEYMOUR (MICHAEL J.) ON H.C.
Publication requests denied (case closed)**S130797**

F043574 Fifth Appellate District

DIAZ v. FRESNO DODGE INC.
Publication request denied (case closed)

S130905

G033346 Fourth Appellate District,
Division Three

LE PLASTRIER v. MASTERS

Publication request denied (case closed)

S128854

B159379 Second Appellate District,
Division Seven

PEOPLE v. VASQUEZ et al.

Counsel appointment order filed

Nancy King appointed to represent appellant Vasquez on his appeal now pending in this court.

Appellant's brief on the merits must be filed on or before 30 days from the date of this order.

S027766

PEOPLE v. COLE (STEPHEN)

Order filed

The "Application for Stay on Hearing for Setting of Execution Date Until After Final Disposition of Petition for Writ of Certiorari and Habeas Corpus," filed on January 27, 2005, is granted. Execution of the judgment of death entered against Stephen Cole by the Superior Court of Los Angeles County and affirmed by this court on August 16, 2004 (33 Cal.4th 1158), is hereby stayed pending final determination of (1) the petition for certiorari pending in the United States Supreme Court (04-8386) and (2) the petition for writ of habeas corpus pending in this court (S128874).

S065720

PEOPLE v. VINES (SEAN VENYETTE)

Order filed

Appellant's application for permission to file overlength opening brief is granted.

S077009

PEOPLE v. CARRASCO (ROBERT)

Application to file document under seal denied

Appellant's "Application to file Ex Parte and Under Seal Motion That Appellant's Former Attorney Be Ordered to Turn Over All Case Files to Appellant Counsel," filed February 7, 2005, is denied.

S096831BARNETT (LEE MAX) ON H.C.
Motion denied

- (1) Petitioner's "Motion for Prompt Decision," which was filed on November 29, 2004 and seeks expedited consideration of the matter captioned above, is denied.

Kennard, J., was recused and did not participate.

S120570BARNETT (LEE MAX) ON H.C.
Motion denied

Petitioner's "Motion for Prompt Decision," which was filed on November 29, 2004 and seeks expedited consideration of the matter captioned above, is denied.

Kennard, J., was recused and did not participate.

S125643A101754 First Appellate District,
Division FiveM. (K.) v. G. (E.)
Order filed

The motion of K.M. for calendar preference, filed on February 7, 2005, is granted pursuant to California Rules of Court, Rule 19 on the basis that this case involves a determination of parental rights involving young children.

On the court's own motion, we grant calendar preference in the related cases of *Eliza B. v. Superior Court*, S125912, and *Kristine H. v. Lisa R.*, S126945 on the same basis.

S125912

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)
Order filed

Pursuant to the order filed in *K.M. v. E.G.* (S125643) on February 23, 2005, calendar preference is granted in the above entitled matter on the court's own motion.

S126945

B167799 Second Appellate District,
Division Three

H. (KRISTINE) v. R. (LISA ANN)
Order filed

Pursuant to the order filed in *K.M. v. E.G.*
(S125643) on February 23, 2005, calendar
preference is granted in the above entitled matter
on the court's own motion.

F045389 Fifth Appellate District

PEOPLE v. CLIFFORD B. SANDERS
Order filed

The time for granting review on the court's own
motion is hereby extended to and including
March 25, 2005. (Cal. Rules of Court,
rule 28.2(c).)

